

App. No. 10/626928  
Office Action Dated January 24, 2005

### REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 1 and 2 have been amended editorially. Claim 1 has also been amended to incorporate limitations recited in allowable claim 3 and limitations to further define the footrest, as supported, for example at pages 2-3. Claim 3 has been canceled without prejudice or disclaimer. No new matter has been added. Claims 1-2 are pending.

The drawings are objected to under 37 CFR 1.83(a). Claim 1 has been amended to delete the recitation of the two back wheels defined at lines 1 and 2. No new matter has been added. Withdrawal of the objection is respectfully requested.

The abstract of disclosure is objected to for various informalities. The abstract has been amended. No new matter has been added. Withdrawal of the objection is respectfully requested.

Applicant appreciates the indication of allowable subject matter in claim 3.

### Claim rejections - 35 U.S.C. § 112

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claims 1 and 2 have been amended taking into account the constructive criticisms raised in the rejection. Withdrawal of the rejection is respectfully requested.

### Claim rejections - 35 U.S.C. § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichhorn (US 5,660,435) in view of Smith (US 5,299,825). Applicant respectfully traverses the rejection.

The Office Action asserts Eichhorn does not disclose that the footrest is linked to the front legs by a pin-jointed connection and is provided with means apt to lock the footrest in its position and allow the footrest to fold. The Office Action states Smith teaches the desirability of linking a footrest 15, 34 and wheel 33 assembly to front legs 19 of a pushchair through a pin-

App. No. 10/626928  
Office Action Dated January 24, 2005

jointed connection H" that allows the footrest to fold and the desirability of providing the footrest with means 35 apt to lock the footrest in its position when in use. Applicant respectfully disagrees as Smith fails to teach or suggest a footrest.

Smith teaches a yoke 15 pivotally connected by a hinge H" to the front end of the central frame 13 and has an axle 31 mounting a front wheel 33 on the yoke 15. The yoke comprises two spaced-apart tubular member 32a, 32b which are connected and held rigid by a plate 34, where the axle 31 extends between the tubular member 32a, 32b as shown in Figure 2. The tubular members 32a, 32b are connected and held rigid by the plate 34 and are only as wide as the axle. Therefore, the plate 34 cannot be a footrest as stated in the Office Action as it would be too narrow to be used as such. Furthermore, the strut 35 holds the rear portion of yoke 15 in fixed relation to maintain the stroller in an erect configuration (col. 3, ll. 43-47) and is not used as means for locking the footrest in its position when in use as suggest by the Office Action. The use of means for locking the plate 34 in its position when in use would not be necessary since plate is already rigidly fixed to the tubular members 32a, 32b and is thus not foldable. In addition, the strut 35 would further hinder the use of the plate 34 as a footrest if the plate could be used as such. As presented above, the plate taught by Smith is rigid and therefore is not foldable and furthermore is too narrow to be considered a footrest.

Neither Eichhorn nor Smith teach or suggest a footrest linked by a pin-jointed connection to a lower portion of converging front legs, means for locking the footrest in a position when in use and allowing to fold said footrest, said means being gripped to a plate being fixed to the lower portion of the front legs as recited by claim 1. Therefore, neither Eichhorn nor Smith, alone or in combination, render the features of independent claim 1 obvious. Withdrawal of the rejection is respectfully requested.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eichhorn (US 5,660,435) in view of Smith (US 5,299,825) as applied to claim 1 above, and further in view of Li et al. (US 6,315,309). Applicant respectfully traverses the rejection.

App. No. 10/626928  
Office Action Dated January 24, 2005

Claim 2 recites the footrest comprises means allowing to lock and unlock a castoring support. Li teaches a locking bolt 262 with its shank portion 2620 extending into the retaining groove 231 of the forked pin 23 prevents its axial but not its rotational motion, the wheel hence always being a castoring wheel. Thus, Li fails to teach or disclose means allowing to lock and unlock a castoring support supporting the castoring wheel in order to thus lock the wheel in a stable manner, i.e. in order to prevent the rotation of the vertical pin supporting the wheel. Furthermore, claim 2 depends from independent claim 1. For at least these reasons, withdrawal of the rejection is respectfully requested.

In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, Gregory A. Sebald, Reg. No. 33,280, at (612) 336.4728.

Respectfully submitted,



MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: 5/24/05

GAS:mmm

By 

Gregory A. Sebald  
Reg. No. 33,280